



Status of Women



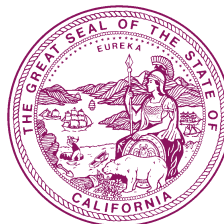
SUMMARY OF 1997 LAWS AFFECTING WOMEN

Effective January 1998

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State of California
Commission on the Status of Women
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Introduction

During 1997, the Commission monitored **238 bills** affecting California women; **66** of those measures were enacted and **20** were vetoed by the Governor. Of the Commission's **48 Priority One** bills, **22** became law (all of which were supported by the Commission). The majority of these measures impact access to health care and violence against women. Only one measure (AB 129 by Assemblymember Bill Morrow) requiring a 24-hour waiting period before receiving an abortion, was opposed by the Commission—this bill is now potentially a two-year measure and could be reactivated in 1998.

Economic, health, and violence issues dominated the Commission's legislative agenda in this first year of the current two-year session. Of the Commission's seven Priority One bills vetoed by the Governor, four were health-related. In his veto message, Governor Wilson explained his commitment to not signing legislation which affected managed health care reform until the work of the state's **Managed Health Care Improvement Task Force** was completed and its findings released, which should be early in the new year. It is anticipated that efforts to improve women's access to health care will result in not only carryover legislation being reactivated, but a number of new proposals in this arena.

The California Commission on the Status of Women will continue to focus its legislative priorities on *economic self-sufficiency issues* (including welfare reform legislation), as well as *access to health care* and efforts to support and protect *victims of violence* during 1998.

This report provides a *summary* of legislation *passed* by the Legislature and *signed* by the Governor in 1997. Resolutions are chaptered by the Secretary of State when passed by the Legislature and do not require the Governor's signature. All new laws become effective on January 1, 1998, unless indicated as urgency measures, which become effective immediately upon signature by the Governor and assignment of a chapter number. Final versions of new laws are available directly from the **Legislative Bill Room**, State Capitol, Sacramento, CA 95814; the *author's* office; or your state **Legislator**.

If you would like more information or would like to be added to our *mailing list*—please write, call, fax, or email your request to us:

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Child and Other Dependent Care

AB 47 Murray

Chapter 157

Employees: Licensed Child Day Care Facility: Activities

Under existing law, parents, guardians, or grandparents with custody of a child in kindergarten or grades 1 to 12 may take off up to 40 hours per school year to participate in school activities without risk of being discharged or discriminated against by their employer. This law extends these provisions to licensed child day care facilities and revises the maximum number of hours under these provisions from 40 hours per school year to 40 hours each year, limited to 8 hours per month.

AB 300 Escutia (Urgency Measure)

Chapter 362

Child Care and Development Facilities

Among other provisions, repeals existing priorities for funding capital outlay grants or relocatables for child care and development facilities, and requires the State Allocation Board to give first priority to programs experiencing emergencies, second priority to the replacement of facilities lost due to the Class Size Reduction Program, and third priority to the expansion of child care services.

AB 326 **Ortiz** **(Urgency Measure)**

Chapter 917

School-based Before and After School Child Care Programs

Requires, among other things, the Superintendent of Public Instruction to allocate specified funds in the 1997 Budget Act to before and after school programs for the purpose of initiating school-based before and after school programs with a strong literacy component.

AB 690 Morrow

Chapter 916

Child Day Care Facilities: School Extended Day Exemption

Establishes a 3-year pilot project in Orange County, under which certain extended day care programs operated pursuant to contracts between a public school or school district and an extended day care provider are exempt from the California Child Day Care Facilities Act provided certain requirements are met, including fingerprint requirements applicable to school district noncertificated employees.

AB 753 **Escutia**

Chapter 843

Child Care: Trustline Registration System

Repeals provisions of the Child Care Trustline Registry in the Education Code and recasts them in the Health and Safety Code. Among other things, revises the criminal record background check procedures for a trustline provider applicant by requiring that an applicant sign a declaration verifying his or her identity and making a willful false declaration a misdemeanor.

SB 163 Solis

Chapter 795

Children: Wrap-Around Services

Permits all counties to participate in a pilot project for provision of intensive "wrap-around" services for eligible children in foster care or at imminent risk of such placement. Wrap-around services are defined as community-based individualized intervention services emphasizing the strengths of each eligible child and family tailored to address their unique and changing needs.

SB 468 Rainey**Chapter 453****Community Care Facilities: Placement with Relatives**

Authorizes a county child welfare agency, upon adoption of a county board of supervisors resolution, to secure from municipal, county or state law enforcement personnel a criminal record for purposes of assessing any relative agreeing to receive and care for a minor, and all other adults living in the relative's residence, before the minor would be placed with that relative.

Economic Equity**AB 156 Murray****Chapter 768****Personal Information: Credit Reporting Agencies**

Makes changes in the Consumer Credit Reporting Agencies Act regarding the furnishing of consumer credit reports to individuals; disputes regarding the completeness or accuracy of a consumer credit file; and civil remedies for violation of the Act. Also makes it a misdemeanor for anyone to willfully obtain personal identifying information of another person and use that information to obtain credit, goods, or services without the consent of that person.

Education**SB 394 Johnston****Chapter 915****School-to-Career Opportunities: Job Training Funds**

Requires the Superintendent of Public Instruction to use 30% of Job Training Partnership Act funds to support the work-based learning component of a school-to-career program.

SCR 12 Solis**Resolution Chapter 16****Women's History Month and International Women's Day**

Designates March 1997 as Women's History Month and urges Californians to celebrate International Women's Day on March 8.

Equality**AJR 18 Shelley****Resolution Chapter 126****Convention on the Elimination of All Forms of Discrimination Against Women**

Requests the U.S. Senate to ratify the United Nations Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and declares that the State Assembly shall work to ensure the elimination of discrimination against women and girls in California.

SCR 38 Alpert**Resolution Chapter 104****Women in Military Service for America**

Honors women in the military for their achievements and recognizes the construction of the Women in Military Service for America Memorial in Arlington, Virginia.

AB 200 Kuehl
Child Custody

Chapter 849

Declares that it is the policy of the State that the health, safety, and welfare of children shall be the court's primary consideration when rendering custody or visitation orders, and that perpetration of domestic violence in a household where a child resides is detrimental to the child. Among other things, also requires that if custody or visitation is granted to a parent alleged to have committed domestic abuse, the court shall state its reason in writing or on the court record.

AB 239 Ortiz (Urgency Measure)
Family Law: Support

Chapter 14

Allowed district attorneys to continue to use, until September 30, 1997, procedures and forms in effect on December 31, 1996, when establishing paternity and support orders. After September 30, district attorneys must comply with the use of new simplified summons, complaint, and answer forms adopted by the Judicial Council for specified child support actions.

AB 573 Kuehl
Child Support: Franchise Tax Board: Collection

Chapter 599

Allows district attorneys to submit non-delinquent child support obligations to the Franchise Tax Board for collection, requires the Employment Development Department to prepare and submit to the Governor and the Legislature a study identifying methods for reporting the income of independent service providers for purposes of collecting delinquent support; among other things, also revises procedures for determining paternity and enforcing parental financial obligations.

AB 702 Villaraigosa
Child Support: Dependents: Collection

Chapter 697

Requires the Franchise Tax Board to operate a Financial Institution Match System, whereby financial institutions shall provide information regarding the accounts of noncustodial parents to the Board for purposes of collecting child support from obligor parents.

AB 1098 Ortiz
Dissolution of Marriage

Chapter 56

Among other things, requires service of a preliminary declaration of financial disclosure with a completed list of assets and debts on the nonmoving party with the noticed motion for dissolution, unless previously served or stipulated in writing by both parties to defer until a later time. Also provides that if a party dies after entry of judgment granting dissolution, the obligations imposed by these provisions continue to be enforceable.

AB 1395 Escutia
Child Support: Enforcement of Delinquencies: Franchise Tax Board

Chapter 614

Requires district attorneys to refer all child support delinquencies of 90 days to the Franchise Tax Board (FTB) for collection; authorizes counties to apply for an exemption if their program meets certain conditions; authorizes district attorneys to refer to the Board a child support obligation that is 30 days or more past due; and requires FTB to accept referrals without the noncustodial parent's social security number and assist the district attorney in obtaining that information.

AB 1526 **Escutia**
Children

Chapter 449

Revises and expands the rights of a child's counsel in custody or visitation proceedings; requires counsel, when requested by the court, to prepare a written statement of issues and contentions setting forth the facts that bear on the best interests of the child, prescribes the content of the statement, and requires the statement to be considered when a judicial determination is made with regard to custody or visitation; also deletes existing provision which grants the rights of a child's counsel only when ordered by a court.

SB 247 **Lockyer**
Collection of Child Support

Chapter 601

Requires district attorneys to refer all child support delinquencies to the Franchise Tax Board (FTB) for collection and to utilize the collection services of FTB; provides that the district attorney receive credit for the amount collected when a referral is made; and specifies that a voluntary payment by an obligated parent for delinquent child support shall be applied solely to the delinquency.

SB 564 **Solis**
Domestic Violence: Visitation

Chapter 396

Provides that a party who has not established a parent/child relationship may not seek a determination of custody or visitation rights in a proceeding under the Domestic Violence Prevention Act; among other things, authorizes the court to award temporary sole legal and physical custody of a child to a party to whom a restraining order has been issued and to make an order of no visitation to the other party, where that party has not established a parent/child relationship.

SB 568 **Sher**
Uniform Interstate Family Support Act

Chapter 194

Enacts the Uniform Interstate Family Support Act. Among other things, clarifies the jurisdiction of California and another state in cases where both have issued child support orders involving the same obligor and child; specifies procedure for enforcing or modifying a support order or income-withholding order issued in another state; and provides for enforcement of income-withholding orders without requiring that they be registered in California.

SB 936 **Burton**
Child Support Enforcement

Chapter 926

Provides for a child support state incentive payment program, applicable to counties meeting data reporting requirements; requires the Department of Social Services, by July 1, 1998, to assess each county's compliance with federal and state child support laws and regulations and to compile prescribed information for the 1998-99 fiscal year and, each fiscal year thereafter, on each participating county child support enforcement program.

Health Coverage and Access to Care

AB 38 Figueroa (Urgency Measure) Chapter 389
Health Coverage: Maternity Benefits

Requires health care plans to provide coverage for specified minimum hours of inpatient services related to maternity and newborn care (48 hours for a normal vaginal delivery and 96 hours following a cesarean section).

AB 103 Figueroa Chapter 359
Physicians and Surgeons: Professional Reporting

Revises requirements for professional reporting of claims, actions, and judgments rendered against physicians or surgeons for damages for death or personal injury. Deletes the requirement that the award or judgment for damages be over \$30,000, thereby requiring that any amount be reported to the licensing board; also requires the Medical Board of California, among other things, to post on the Internet certain information regarding licensed physicians and surgeons.

AB 157 Villaraigosa Chapter 59
Personal Rights: Breastfeeding

Authorizes a mother to breastfeed her child in any location, public or private, except the private home or residence of another, where the mother and the child are otherwise authorized to be present.

AB 441 Richter Chapter 511
Tissue Donors: Sperm Donors

Authorizes a recipient of sperm to consent to therapeutic insemination of sperm or other reproductive use of sperm even if the donor of the sperm is found reactive for hepatitis B or C, or syphilis, if the sperm donor is the spouse, partner, or designated donor of the recipient. Prohibits the deposit of human breast milk into a milk bank for human ingestion when the milk is from donors who test reactive for viral hepatitis, human T lymphotropic virus-1, HIV, or syphilis.

AB 833 Ortiz Chapter 754
Gynecological Cancers

Directs the Department of Health Services to place priority on providing information to consumers, patients, and health care providers relating to gynecological cancers. Also requires medical care providers primarily responsible for performing annual gynecological exams to provide patients with a standardized summary, in layperson's language, describing symptoms and methods for diagnosing gynecological cancers.

AB 1126 Villaraigosa Chapter 623
Children's Health Coverage

Establishes the "Healthy Families Program" (HFP) to provide access to health, dental and vision care for children ages 7 to 18 residing in families with incomes between 100-200% of the federal poverty level (FPL) and children ages 2 to 6 between 133-200% of the FPL. Utilizes a purchasing pool for coverage from private health plans and a purchasing credit to help pay for employer-sponsored dependent coverage.

AB 1215 Mazzoni**Chapter 269****Long-Term Care**

Requires the Health and Welfare Agency to prepare and submit a report on long-term care programs that provide services to adults to the Legislature by January 1, 1999. The report shall include an inventory of long-term care programs administered within the agency, options for integrating key programs and licensure functions for long-term care facilities, and a timetable for implementation of these options.

AB 1554 Ortiz**Chapter 755****Cancer: Research**

Creates the Cancer Research Fund in the State Treasury and appropriates 2 million dollars to the Fund for the purpose of funding cancer research projects; establishes the Cancer Research Council comprised of 16 members, 15 to be appointed by the Director of Health Services, and the chief of the California Cancer Registry as an ex officio, nonvoting member.

ACR 76 Wayne**Resolution Chapter 128****Breast Cancer**

Designates October as Breast Cancer Awareness Month and Monday, October 20, 1997, as Breast Exam & Mammography Awareness Day.

AJR 25 Baca**Resolution Chapter 84****Breast Cancer Research**

Urges Congress and the President to enact the Breast Cancer Research Stamp Act of 1997, adding one cent to a new first-class stamp to fund breast cancer research.

SB 160 Watson (Urgency Measure)**Chapter 68****Health: Informed Consent**

Provides an exemption from the Protection of Human Subjects in Medical Experimentation Act, until January 1, 2001, for any medical experimental treatment that benefits a patient subject to a life-threatening emergency.

SB 273 Watson**Chapter 756****Cancer: Research**

Creates the Cancer Research Fund in the State Treasury for purposes of funding cancer research; provides that the Department of Health Services may contract with nonprofit organizations, foundations, or public entities to administer the Cancer Research Program; and further requires the Department to work closely with, and seek the advice of, the Cancer Research Council established by AB 1554.

SB 391 Solis (Urgency Measure)**Chapter 294****Health**

Omnibus health bill revising, repealing, and recasting various health-related statutes, including repealing the January 1, 1998, sunset date of the Comprehensive Perinatal Outreach Program and the California Health Care for the Indigent Program.

SB 602 Alpert Chapter 337
Personal Income Taxes: Contributions: California Breast Cancer Research Fund

Provides that money in the California Breast Cancer Research Fund, upon appropriation of the Legislature, be allocated directly to the University of California for the support of the Breast Cancer Research Program for purposes related solely to breast cancer research.

SB 719 Johnston Chapter 665

Health Coverage: Continuation of Coverage

Enacts the California Continuation Benefits Replacement Act (Cal-COBRA) requiring every group health care and group disability insurance plan contract or policy providing coverage to employers with 2 to 19 eligible employees to offer continuation coverage to a qualified beneficiary. Also permits employers to provide extended coverage under Cal-COBRA to eligible former employees, their spouses, and former spouses under plans issued, amended, or renewed in California on or after January 1, 1999, to the same extent as an employer whose plan is subject to federal COBRA requirements.

SB 1061 Vasconcellos Chapter 631

Long-Term Health Care Facilities

Requires, by January 1, 2000, every skilled nursing facility, intermediate care facility, and nursing facility to use a standard admission agreement developed and adopted by the Department of Health Services. Also requires the Department to develop a comprehensive Patients' Bill of Rights to be made available to all long-term health care facilities in the state by that same date.

SB 1231 Watson Chapter 494

Residential Care for the Elderly: Home Health Care: Incidental Medical Care

Authorizes residential care facilities for the elderly to provide incidental medical care through a home health agency when certain conditions are met.

Violence

AB 45 Murray Chapter 847

Domestic Violence: Punishment

Requires the Court to provide copies of restraining orders in specified domestic violence cases to all interested parties; also authorizes a magistrate or commissioner to set bail for persons arrested for the misdemeanor offense of violating a domestic violence restraining order in an amount sufficient to assure protection for the victim, or family member of the victim.

AB 59 Brown Chapter 817

Crimes: Kidnapping

Enhances penalties for and expands the scope of the crime of kidnapping. Among other things, provides that under specified circumstances any person who kidnaps any individual with the intent to commit robbery, rape, spousal rape, sodomy, oral copulation, or rape by instrument shall be punished by imprisonment in the state prison for life with the possibility of parole; also adds kidnapping with the intent to commit rape, spousal rape, oral copulation, sodomy, lewd or lascivious acts, and rape by instrument to the list of sexual offenses specified for the purpose of defining an habitual sexual offender.

AB 102 Cunneen**Chapter 848****Sentencing: Aggravation: Minors and Pregnant Women**

Requires that in specified cases of domestic violence where the offense occurred in the presence of, or was witnessed by a minor, the court shall consider this fact a circumstance in aggravation of a crime when determining whether to impose the lesser or greater term of imprisonment. Also recommends that the Judicial Council add to circumstances in aggravation of a crime cases in which a temporary restraining order protecting the victim from the defendant was in effect, the victim was pregnant at the time of the offense, and the defendant knew or should have known of the victim's condition.

AB 152 Morrow**Chapter 902****Victim's Rights: Notification**

Provides, in cases where the defendant is subject to an indeterminate sentence, the victim or other persons as specified, the right to have their statements simultaneously recorded and preserved by means of videotape; requires the Board of Prison Terms to consider statements from members of the victim's immediate family in deciding whether to release the prisoner on parole and provides the prosecutor, victim, and other specified persons the right to appear before the Board by means of video conferencing if it is available at the hearing site.

AB 207 Frusetta**Chapter 498****Witness or Victim: Disclosure of Address or Telephone Number**

Provides generally that no attorney may disclose or permit to be disclosed the address or telephone number of a victim or witness to members of the defendant's family or anyone else; also provides an exception to this general rule authorizing disclosure to persons employed by the attorney or appointed by the court to assist in preparation of the defendant's case, if such disclosure is required for that preparation. Further dissemination of this information is prohibited, and willful violation of this provision shall be a misdemeanor offense.

AB 213 Wildman**Chapter 80****Sex Offenders: Registration**

Among other things, clarifies that sex offender registration requirements apply to persons who have been convicted of an offense in another state court that, if committed in this state, would have been punishable as a sex offense; also requires registration to include notice to these persons that they have a duty to register in any state where they may relocate.

AB 273 Sweeney**Chapter 134****Counseling Programs: Payment**

Provides that the terms of probation for child abuse or domestic violence shall not be lifted until all reasonable fees associated with court-ordered counseling for the perpetrator have been paid in full; in no case, however, shall the period of probation be extended beyond the term provided for in existing law. If the court finds that the defendant does not have the ability to pay the fees, the court may reduce or waive the fees.

AB 290 Alby (Urgency Measure)**Chapter 821****Sex Offenders: Registration: Release of Information**

Makes various changes in sex offender registration procedures and requirements; including requiring persons to preregister upon incarceration, placement, commitment, or prior to release on probation and prohibiting the person's release until he or she has signed the appropriate form and provided address information for reporting to the Department of Justice. In cases where the person is released on probation, requires the probation officer to inform him or her of the requirement to register.

AB 340 Alby
Domestic Violence: Protective Orders

Chapter 48

Provides that in those cases where a complaint, information, or indictment charging a crime of domestic violence has been issued, a restraining order or protective order against the defendant issued by the criminal court in that case has precedence over any other outstanding court order against the defendant.

AB 350 Firestone
Stalking: Emergency Protective Order

Chapter 169

Establishes emergency protective order (EPO) procedures for stalking victims modeled after the EPO procedure currently available to domestic violence victims; creates a crime by making intentional disobedience of any EPO authorized under this provision punishable as a contempt of court, but provides, in lieu of that punishment, for a violation to be punishable as felony stalking under specified circumstances.

AB 356 Figueroa
Court Orders

Chapter 347

Revises requirements for service of restraining orders and protective orders in family law matters; specifies immunity of peace officers from civil liability for an arrest in enforcing these orders; specifies priority for enforcement of multiple orders and requires the Judicial Council to establish uniform forms for specified restraining or protective orders, emergency protective orders, and a standardized custody and visitation attachment to these forms, for use by all trial courts.

AB 588 Figueroa
Insurance

Chapter 845

Prohibits property and casualty insurers from discriminating against applicants and insured persons on the basis that he or she is, has been, or may be a victim of domestic violence; provides that information which indicates a person is, has been, or may be a domestic violence victim is covered under the Insurance Information and Privacy Protection Act.

AB 649 Napolitano
Insurance: Domestic Violence

Chapter 176

Prohibits life insurers from discriminating against applicants and insured persons on the basis that he or she is, has been, or may be a victim of domestic violence.

AB 793 House
Sex Offenders: Sentence Enhancements

Chapter 371

Existing law provides sentence enhancements for persons who are convicted of specified violent felonies and have served prior prison terms. This law adds rape in concert to the list of these felonies.

AB 807 Scott (Urgency Measure)
Sexual Assault: Victim's Support

Chapter 846

Gives rape victims the right to the presence of a sexual assault victim counselor and one other support person of their choice at any medical evidentiary or physical examination; also provides victims the right to have present a victim advocate during any interview by law enforcement authorities, district attorneys, or defense attorneys, and specifies the process for notifying victims of these rights.

AB 1222 Wright
Children

Chapter 594

Prohibits a person from obtaining custody of, or visitation with, a child if that person has been convicted of rape and the child was conceived as a result; among other things, provides that a court may order that child support to be paid by a registered sex offender, a person convicted of certain offenses against minors, or a person who conceives a child in the course of a rape of which he is convicted, be paid to the district attorney, and authorizes the mother of a child to bring a proceeding against the father of a child conceived as a result of rape for the purpose of declaring the child free of his custody or control.

ACR 36 Mazzoni
Sexual Assault Awareness Month

Resolution Chapter 32

Proclaims that, henceforth, the month of April shall be designated as Sexual Assault Awareness Month.

SB 97 Alpert
Civil Compromise: Crimes Against Children and Elders

Chapter 243

Prohibits civil compromise in cases involving violations of specified protective orders relating to minors and in cases involving elder abuse, child abuse, or molestation.

SB 115 Burton
Criminal Procedure: Civil Compromise

Chapter 18

Eliminates existing condition on the use of civil compromise in domestic violence cases, thereby prohibiting civil compromise in all domestic violence cases.

SB 186 Solis
Crimes: Sentence Enhancements: Attempted Sex Offenses

Chapter 109

Provides that enhanced prison sentences shall also apply to any person who uses a firearm or deadly weapon or who inflicts great bodily injury during the "attempted" commission of specified sex offenses.

SB 215 Alpert
Criminal Procedure: Continuance of Proceeding

Chapter 69

Allows a "good cause" continuance to be granted in domestic violence proceedings if the prosecutor assigned to the case is involved in another trial simultaneously.

SB 314 Ayala
Sex Offenders: Registration

Chapter 819

Expands the list of sex offenses for which juveniles must register as sex offenders; adds community colleges to the list of educational institutions covered by the registration requirements.

SB 350 Lee (Urgency Measure)
Violence Against Women

Chapter 9

Appropriates 11.4 million dollars from the federal Violence Against Women Act grant program to develop and strengthen effective law enforcement strategies, prosecution procedures, and victim services in cases involving violent crimes against women.

SB 882 Schiff**Chapter 820****Sex Offenders: Registration**

Persons located in California who are required to register as sex offenders, but who have no residence address, shall register with local law enforcement within 5 working days of coming into any city or county and shall update their registration at least once every 90 days; persons who willfully fail to register under these requirements, shall be punished by a term in the county jail not exceeding 6 months.

SB 1078 Lockyer**Chapter 822****Sex Offenders: Release of Information**

Extends by three years operation of the "900" telephone number under which the Department of Justice (DOJ) compiles, organizes, and makes available specified information concerning persons required to register as sex offenders; also extends the sex offender CD-ROM program by two years—both programs will now sunset on January 1, 2001; also requires DOJ to provide educational information to users of the "900" number who provide an address.

SCR 20 Solis**Resolution Chapter 95****Domestic Violence Awareness Month**

Designates October 1997 as Domestic Violence Awareness Month.

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